UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,289	09/11/2003	Brent Russell Phillips	AUS920030563US1(4013)	5354

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/660,289	PHILLIPS, BRENT RUSSELL
	Examiner	Art Unit
	DJENANE M. BAYARD	2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 August 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-20</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to amendment filed on 8/26/08 in which claims 1-20 are pending.

Response to Arguments

2.   In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that the Office

action does not address the lack of inbound queue. The message collector of McGann is the

inbound queue that receives the messages (See col. 2, lines 30-40). McGann also teaches a

working queue (local queue) that is persisted by a queue manager (local queue manager) (See

col. 2, lines 60-67 and col. 3, lines 1-2).

      Furthermore, Applicant argues that McGann fails to teach "copying the message to a

working queue... to persist the message... stored, in it's entirety both the inbound queue and the

working queue concurrently..." and "removing the message form the inbound queue after

copying the message to the working queue". However, it is well known in the art and inherent

that a copy of a message is held in a at the delivery side of the system until the receiving end of

the system receives, thus the messages is its entirety in both queues concurrently. The prior art

of Maynard et al (U.S. Application Publication No. 2004/0153511) is presented as evidence in

support of this assertion. Maynard et al teaches wherein a copy of any particular message is held

in a message queue at the delivery side of the system until the receiving end of the system sends

back an acknowledgement message (See paragraph [0013]).

Furthermore, Applicant argues that McGann fails to teach "processing the message to

generate a reply prior to removing the message from the working queue...". However, McGann

clearly teaches wherein "it is persisted to a local file system where it is stored until the message

is delivered. Until removed by the receiver, the message remains on the local file system so that

it can be retrieved and resent" (See col. 3, lines 2-6).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-6, 9-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McGann et al. (McGann) US patent No. 6920476, in view of Lambert et al. (Lambert) US PG

PUB No. 2003/0033349.

a.   As per claims 1, 9 and 17, McGann et al teaches a method for enhancing persistence of a

message, the method comprising: storing the message in an inbound queue (*message collector)*

after receiving the message (See col. 2, lines 30-40);copying the message to a working queue

(*local queue)*, the working queue being persisted by a queue manager to persist the message (See

col. 2, lines 60-67 and col. 3, lines 1-2), the message being stored in it's entirety, in both the

inbound queue and the working queue concurrently (*it is well known in the art and inherent that*

a copy of a message is held in a at the delivery side of the system until the receiving end of the

system receives, thus the messages is its entirety in both queues concurrently) processing the

message to generate a reply prior to removing the message from the working queue (See col. 3,

lines 43-45, *once the message router has delivered the message, it removes the message from the*

local queue); and storing the reply in an outbound queue after generating the reply (See col. 3,

lines 10-15 and col. 3, lines 36-38, *local queue manager includes a separate thread to manage*

outbound traffic) . Although McGann does not specifically teach browsing the inbound queue to

identify the message after storing the message in the inbound queue, it is also well known in the

art that in order to identify and process a message in a queue, it has to be browsed.

Lambert, which is in the same field of endeavor, also teaches (Page 8, [0094] Line 1, that

queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations).

It would have been obvious to one having ordinary skill in the networking art at the time

the applicant's invention was made to incorporate the teaching of Lambert in the claimed

invention in order to achieve processing of the message.

b.   Regarding Claims 2 &10 & 18, McGann-Lambert disclose the invention substantially as

claimed. McGann further discloses, removing the message from the working queue after storing

the reply in the outbound queue. (Col.3, Line 43, *once the message writer 36 has delivered the*

message, it removes the message form the local queue, where it had been placed by the local

queue manager 30).

c.   Regarding Claims 3 & 11 & 15, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses restoring the message in the working queue after a system failure. (Col.3, Line 48, Thus, in the event of a failure, the message is saved in a reliable location. Once the failure has been corrected, the message can be resent and receipt insured by plug in 38, 40, the intended recipient).

d.   Regarding Claims 4 & 12, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses determining that the message is persisted prior to removing the message from the inbound queue. (Col.3, Line 45, until message writer 36 has delivered the message, it remains on the persistent storage device, from where it can be accessed later if need be).

e.   Regarding Claims 5 &13, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses message as part of a wave of messages in a chronologically adjacent order to facilitate generating the reply.   Furthermore, McGann teaches wherein the wave of messages is a set of messaged designed for simultaneous or substantially simultaneous processing. (See col. 2, lines 62-66). However McGann does not explicitly disclose browsing comprises searching the working queue for the message, wherein the message is waiting to be processed.

        In the same field of endeavor, Lambert teaches (Page 8, [0094]) that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations.

One of ordinary skills in the networking art at the time the applicant's invention was made would benefit from combining McGann and Lambert to achieve processing of the message.

f.   Regarding Claims 6 & 14, McGann-Lambert disclose the invention substantially as claimed. McGann further discloses that browsing comprises locking the message until the message is copied to the working queue. (Page 8, [0095] Line 5, *Browsing under lock is also supported which has the additional feature of locking the matching messages on the queue*).

g.   Regarding Claims 20, McGann discloses the invention substantially as claimed. However McGann does not explicitly teach browsing comprises selecting a set of messages, the message being part of the set.

In the same field of invention, Lambert teaches that browsing comprises selecting a set of messages, the message being part of the set (Page 8, [0095]) Queues may also be browsed for messages under the control of a filter and also alternatively applications can listen for message events, again optionally with a filter (Page 8, [0095]).

One of ordinary skills in the networking art at the time the applicant's invention was made would benefit from combining McGann and Lambert to achieve processing of the message.

h.   The same motivation utilized in the combination of claim 1, equally applies as well to claim 20.

5   . Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGann in view

of Lambert as applied to claim 1 above, and in further view of Nakada (Nakada) US PG PUB

No. 2001/0013051.

a.   Regarding Claim 7, McGann-Lambert discloses the invention substantially as claimed.

However McGann-Lambert does not explicitly disclose processing comprises assigning the

message to a thread, the thread being available to process the message.

In the same field of endeavor, Nakada teaches, generating a new conversation thread

when it is determined that the corresponding conversation thread does not exist in the message

processor (Page 2, [0030]).

It is well known in the art that a process cannot occur unless a thread is assigned to it;

hence it would have been obvious to one having ordinary skill in the networking art at the time

the invention was made to assign the message to a thread, the thread being available as taught by

Nakada.

One of ordinary skills in art at the time of the applicant's invention would benefit from

combining McGann-Lambert with Nakada. Such a modification would allow the process to

occur & execute as intended by the message sender.

6.   Claims 8 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGann

in view of Lambert as applied to claim 1 & 9 above and in further view of Mikalsen (Mikalsen)

US patent No. 6934948.

a.   Regarding Claim 8 & 16, McGann-Lambert discloses the invention substantially as

claimed. However McGann- Lambert do not explicitly teach that processing the message

comprises transmitting a second message to request data indicated by a content of the message

and generating the reply based upon data received in response to the second message.

In the same field of endeavor, Mikalsen teaches that processing the message comprises

transmitting a second message to request data (Col.6, Line 23-24, *the message representing the*

request), indicated by a content of the message and generating the reply based upon data

received in response to the second message (Col.6, Line 24-30, *the two messages are correlated*

and as a consequence to the request message or some processing, the reply is generated) and

that it is known to generate a reply based on the content of the message (Col 6, Line 19-30).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to generate a reply message based on the content of the message as taught

by Mikalsen.

One of ordinary skills in art at the time of the applicant's invention would benefit from

combining McGann and Lambert with Mikalsen by achieving the processing of the message as

intended by the sender.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-

3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, 2441
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